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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,577	07/18/2003	Osamu Hoshuyama	Q76590	2125
23373 7590 12/18/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER JAMAL, ALEXANDER	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 12/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/621,577

Applicant(s)

HOSHUYAMA, OSAMU

Examiner

ALEXANDER JAMAL

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) 3, 13-29, 32 and 42-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-12, 30, 31 and 33-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The examiner notes that the previous final rejection was made final in error.
2. The examiner vacates the previous final rejection and submits a non-final rejection.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1,22,30** (and all depending claims) rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claims 1,22,30, (and all depending claims)**, the claims recite a spectral shaper stage that estimates an acoustic echo component. It is not clear how this echo component would be any different that the echo estimate being input into the device. There would be no need to re-estimate the echo when it has already been estimated by the echo canceller stage.

As per **claim 30 (and all depending claims)**, in step D, it is not clear where the 'receiving' is being performed in the claimed device. The step appears to be combining steps performed by the echo cancelling stage and the spectral shaper stage and is not clear.

For the purpose of examination, the examiner assumes the applicant amends/clarifies the claims such that they are clearly enabled by the submitted drawings Figs. 2,3.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-2, 5, 30-31 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Christenson et al [US 6,510,224 B1].

Regarding claim 1, Christenson et al teach a speech communication apparatus, as shown in Fig. 3, comprising: a signal output transducer (i.e. loudspeaker 109) for receiving a distant signal (112) from a far-end talker and

producing acoustic energy of the distant signal [Fig. 3]; a signal input transducer (microphone 105) for producing a near-end signal which may contain a component representing a speech activity of a near-end talker or an acoustic echo component, or both, wherein the acoustic echo component occurs as a result of the distant signal being transmitted through an acoustic echo path from the signal output transducer to the signal input transducer [Fig. 3]; an echo canceller adaptive filter (101) for producing an echo replica $y(n)$ (102) from the distant signal (112) and a residual echo $e(n)$ representing a difference between the near-end signal and the echo replica [Fig. 3]; and a spectral shaper (309) for receiving both of the near-end signal and the residual echo as a set of first input signals [Fig. 3], receiving the echo replica as a second input signal, the acoustic echo component by modifying the second input signal, and shaping spectrum of the first input signal with the estimated acoustic echo component. [Fig. 3; col. 8, line 25 to col. 10, line 41].

Further, since Christenson et al teach using both of the near-end signal and the residual echo as a set of first input signals to the spectrum shaper (309) [Fig. 3; col. 9, lines 17-45], it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to use one of the near-end signal and the residual echo as a first input signal to the spectrum shaper (309), as claimed, as a

matter of design choice.

Claim 30 is essentially similar to claim 1 and is rejected for the reasons stated above.

Regarding **claim 2**, Christenson et al teach the speech communication apparatus, wherein the spectral shaper (309) estimates the acoustic echo component for each of a plurality of subband frequencies of audio spectrum [col. 7, line 46 to col. 8, line 9].

Claim 31 is essentially similar to claim 1 and is rejected for the reasons stated above.

4. **Claims 5 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Christenson et al as applied to claims 1 and 30 above, and further in view of Oh [US 5,937,060].

Regarding **claim 5**, although Christenson et al disclose using a plurality of subband frequencies of audio spectrum [col. 7, line 46 to col. 8, line 9; col. Col. 9, lines 21-45, col. 10, lines 16-], they do not teach expressly using a synthesis filter.

Oh teaches using analysis filters (712, 722) to divide input signals into a set of subband signals, and a synthesis filter (734) combine the subbband signals [Fig. 7; col. 7, lines 16-31].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Oh with Christenson et al in order to

effectively suppress noise in a residual echo signal [Oh; col. 9, lines 18-24].

Claim 34 is essentially similar to claim 5 and is rejected for the reasons stated above.

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive.

As per applicant's arguments that the cited reference Christensson does not disclose the claimed elements of the spectral shaper outputting an echo estimate, the examiner notes the 112 rejection above. Christensson discloses both the echo estimate and error (residual echo signal) being fed into the spectral shaper 309 (Fig. 3). Applicant argues that the prior art does not disclose the spectral shaper determining the acoustic echo component, however it is not clear in the claims or applicant's argument how to discern from what is estimated by the spectral shaping stage and what is estimated by the echo cancelling stage. Appropriate correction/clarification is requested.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization

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where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

December 17, 2008